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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Conditions of service for the judges of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Report of the Secretary-General

I. Introduction

1. The General Assembly, by its resolutions 51/214 B and 51/215 B of 13 June 1997, respectively, requested the Secretary-General to submit reports on the conditions of service for the judges of the International Criminal Tribunal for the Former Yugoslavia and for the judges of the International Criminal Tribunal for Rwanda at its fifty-second session, no later than 30 November 1997. The Assembly deferred its consideration of the pension entitlements for the members of the Tribunals pending receipt of such reports, and decided to consider these questions in the context of the 1998 budget proposals of the Tribunals. The present report has been prepared pursuant to the above-mentioned requests of the Assembly.

2. The report is divided into five sections, concerning the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Court of Justice, conclusions and recommendations, and financial implications.

II. International Criminal Tribunal for the Former Yugoslavia

3. The Security Council, by resolution 827 (1993) of 25 May 1993, decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and adopted its Statute.[1] Article 13, paragraph 4, of the Statute provides that:

> "The judges shall be elected for a term of four years. The terms and conditions of service shall be

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those of the judges of the International Court of Justice. They shall be eligible for re-election."

4. The Advisory Committee on Administrative and Budgetary Questions subsequently requested the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the requirements of the Tribunal, and the conditions of service and allowances of the judges of the Tribunal (A/47/980, paras. 3 and 4).

5. In preparing the report of the Secretary-General,[2] the terms of the Statute were applied literally. Therefore, the recommendations made regarding annual compensation and other conditions of service were derived from the entitlements for the International Court of Justice. With regard to the proposed pension scheme, relocation allowances and survivors' benefits, however, a literal application of the Statute proved impractical since they were all predicated on the basis of the length of the term of service. Judges of the International Court of Justice are elected for a term of nine years whereas the term of the judges of the International Criminal Tribunal for the Former Yugoslavia is only four years. Therefore, a prorated scale was devised for the establishment of a pension scheme and other related benefits and was submitted to the Assembly as requested. The proposal was reviewed by the Advisory Committee during the forty-eighth session of the Assembly. Action was, however, deferred pending further experience with regard to the precise nature of the requirements of the International Tribunal for the Former Yugoslavia and the work of the judges (see A/48/915, paras. 4-9 and 12).

6. In his report to the Assembly at its forty-ninth session,[3] the Secretary-General reiterated the proposals contained in his previous report,[2] with two modifications, one regarding the level of pension benefits and the other concerning the survivors' lump-sum benefit with a view to more closely reflecting the literal application of article 13 of the Statute of the International Tribunal for the Former Yugoslavia, as had been done with respect to the annual salary and travel entitlements.

7. Accordingly, the Secretary-General determined that, with regard to pensions, relocation allowance and survivors' benefits, terms and conditions of service approved for the International Court of Justice would be appropriate. Since it was, however, impractical to make identical pension benefits owing to the differences in terms of service, the benefits would be prorated proportionately (four years for the Tribunal, to nine years for the Court) based on the terms of service of the judges.

8. The following were the conditions of service and allowances proposed by the Secretary-General for the judges of the International Tribunal for the Former Yugoslavia:

(a) An annual salary of US$ 145,000, as approved for the members of the Court by the General Assembly in resolution 45/250 A of 21 December 1990;

(b) First class travel and subsistence benefits as established by the General Assembly in its resolution 37/240 of 21 December 1982;

(c) A pension entitlement of a judge of the Tribunal who serves a full four-year term of US$ 22,000; the pension of a judge who is re-elected should be increased up to a maximum of US$ 30,000 a year;[4]

(d) In the event of a death of a member of the Tribunal, survivors would be compensated in the form of a lump-sum payment equal to one month's base salary for each year of service, subject to a minimum of one month and a maximum of four months;

(e) With regard to relocation allowance upon completion of service, a member of the Tribunal who maintains a bona fide residence at The Hague for at least three continuous years during service with the Tribunal should receive a lump-sum equal to 12 weeks' net salary on completion of appointment and resettlement outside the Netherlands. A member who completes four continuous years or more of eligibility should receive the equivalent of 16 weeks of annual net base salary;

(f) Education grant entitlement and one related return journey per year in respect of each child between the place of scholastic attendance, when outside the Netherlands, and The Hague.

9. With regard to the conditions of service and allowances of the judges of the Tribunal, the Advisory Committee on Administrative and Budgetary Questions, recommended that the annual salary of judges be set at US$ 145,000 and that the special allowance payable to the President of the International Court of Justice or to the Vice-President when acting as President should apply to the President and Vice-President of the Tribunal. The "floor/ceiling measures" at The Hague applicable to members of the Court should also apply as should the condition that "no member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature" (Art. 16 of the Statute of the International Court of Justice). In this connection, the Advisory Committee trusted that the adoption of conditions of service for the judges of the Tribunal should put an end

to any existing practice that contradicts the requirements of the Statute.[5]

10. As regards travel and subsistence benefits for the judges of the Tribunal, the Advisory Committee was informed that payment of travel expenses of the judges of the Tribunal had been limited to business-class accommodation rather than first-class travel. The Advisory Committee agreed with that practice and recommended that the travel regulations for the judges be drafted to provide for business-class travel. It further requested that the travel and subsistence regulations to be prepared for the Tribunal be submitted to it for scrutiny.[6]

11. As regards the Secretary-General's recommendations vis-à-vis pension entitlements and survivors' benefits for the judges of the Tribunal, the Advisory Committee recalled that it had called for a comprehensive review of the pension scheme for members of the International Court of Justice to be submitted to the General Assembly at its fiftieth session in the context of the next scheduled overall review of the conditions of service of the members of the Court. Under the circumstances, the Advisory Committee was of the opinion that the pension entitlements and survivors' benefits in respect of judges of the Tribunal could be determined by the Assembly at its fiftieth session in the light of what it might have decided with respect to the International Court of Justice.[7]

12. With regard to the Secretary-General's proposed relocation allowance to be payable upon completion of service with the Tribunal, while the Advisory Committee understood the rationale for requiring a minimum period of continuous bona fide residence at The Hague to qualify for the payment of that allowance, it was not clear to the Committee why that allowance should be increased by 25 per cent after an additional year of service beyond the minimum three-year requirement. Accordingly, the Committee recommended against providing for an additional payment in respect of a fourth year of residence.[8]

13. The Secretary-General had also proposed to extend the education grant benefit of the members of the Court to the judges of the Tribunal, as approved by the General Assembly in its resolution 48/252 C. The Advisory Committee recalled that the education grant benefit of the members of the Court had initially been proposed by the Secretary-General in his report to the Assembly at its thirty-eighth session[9] and approved by the Assembly in its resolution 40/257 C of 18 December 1985. The Committee recommended that the education grant be provisionally applied on the basis of residence at the seat of the Tribunal, that is, The Hague, pending a full review of that condition of service and others and their administration at the fiftieth session of the Assembly.[10]

14. The General Assembly, by its resolution 49/242 B of 20 July 1995, endorsed the recommendations of the Advisory Committee vis-à-vis the emoluments and other conditions of service for the judges of the Tribunal. Therefore, the judges of the Tribunal are paid an annual salary of US$ 145,000, with the President receiving a special allowance of US$ 15,000 per annum and the Vice-President receiving a special allowance of US$ 94 per day, subject to a maximum of US$ 9,400 per annum, when acting as President. The judges of the Tribunal cannot exercise any political or administrative function, or engage in any other occupation of a professional nature. As regards travel entitlements, judges of the Tribunal are provided with business-class travel accommodation and payment of a daily subsistence allowance at the 40 per cent supplementary rate. Education grant is provisionally applied on the basis of residence at The Hague.

III. International Criminal Tribunal for Rwanda

15. By its resolution 955 (1994) of 8 November 1994, the Security Council established the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994. In adopting the resolution, the Security Council also adopted the Statute of the Tribunal. Article 12, paragraph 5, of the Statute states:

> "The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election."

Pending a decision of the General Assembly on the conditions of service applicable to the Judges of the Tribunal, the annual salary and other conditions of service recommended by the Advisory Committee on Administrative and Budgetary Questions for the International Criminal Tribunal for the Former Yugoslavia as summarized in paragraph 14 above, have been applied *mutatis mutandis* to the Trial judges of the International Criminal Tribunal for Rwanda. As the seat of the Tribunal is Arusha, United

Republic of Tanzania, the education grant provisions applicable to any Trial judge of the Tribunal have been based on the taking up of bona fide residence at Arusha.

IV. International Court of Justice

16. The General Assembly considered the report of the Secretary-General on the conditions of service and compensation for the members of the International Court of Justice during its fiftieth session.[11] Upon the recommendation of the Advisory Committee on Administrative and Budgetary Questions, the Assembly, by section IV of resolution 50/216 of 23 December 1995, took note of the report of the Secretary-General, approved the recommendation thereon of the Advisory Committee[12] and, requested the Secretary-General to address the issues raised by the Advisory Committee concerning the conditions of service of members of the Court, namely, the mechanism used to regulate emoluments against the weakening/ strengthening of the dollar, the question of residence and non-residence status of the members of the Court as it impacted on their salary and other conditions of service, as well as the need to issue rules and procedures that regulate the administration of the benefits of the members of the Court, the re-examination and analysis of the various recommendations and options discussed in the report of the consulting actuary concerning the pension scheme for the members of the Court and the practice of the Court with respect to Article 16, paragraph 1, of the Statute of the Court.[13] These questions will be reviewed in the context of the next comprehensive review of the conditions of service of members of the Court, which will take place at the fifty-third session of the General Assembly.

17. The conditions of service and compensation for the members of the Court are as follows:

(a) An annual salary of US$ 145,000;

(b) A special allowance of US$ 15,000 for the President and an allowance of US$ 94 per day, subject to a maximum of US$ 9,400 per annum for the Vice-President when acting as President;

(c) Compensation for ad hoc judges equal to 1/365th of the annual salary;

(d) Education grant entitlement and related return journey per year in respect of each child between the place of scholastic attendance, when outside the Netherlands, and The Hague;

(e) Travel expenses, subsistence allowance, and removal costs and installation grant, as established by the General Assembly in its resolution 37/240 of 21 December 1982 (see annex I to the present report);

(f) Pension benefits as established by the Assembly in resolution 45/250 B of 21 December 1990, whereby the Assembly decided that, with effect from 1 January 1991, the pension entitlement of a member of the Court who had served a full term of nine years should be US$ 50,000 a year and that the pension entitlement of a member of the Court who was re-elected should be increased by an additional US$ 250 per month for each further month of service up to a maximum pension of US$ 75,000 per year (see annex II to the present report);

(g) In the event of a death of a member of the Court, survivors are compensated in the form of a lump-sum payment equivalent to one month of base salary for each year of service, subject to a minimum of three months and a maximum of nine months;

(h) With regard to relocation allowance upon completion of service, a member of the Court who maintains a bona fide residence at The Hague for at least five continuous years during service with the Court receives a lump sum equal to 18 weeks' net salary upon completion of appointment and resettlement outside the Netherlands. Judges who have completed nine continuous years or more of eligibility receive the equivalent of 24 weeks of annual net base salary upon completion of service and relocation outside the Netherlands.

V. Conclusions and recommendations

18. The Secretary-General fully acknowledges the issues raised by the Advisory Committee on Administrative and Budgetary Questions and the General Assembly and, in trying to respond to them, is also mindful of actual developments in respect of the conditions of service of the judges, which have made it urgent that a decision be taken.

19. The Secretary-General recalls that the Advisory Committee stated that it intended to revert to the matter of the conditions of service for the judges of the Tribunals in the light of experience gained and newly available information. In view of that position and taking into account the experience and information now available, the Secretary-General urges that, on the basis of article 13, paragraph 4, of the Statute of the International Criminal Tribunal for the Former Yugoslavia, which provides that the terms and conditions of service shall be those of the members of the

International Court of Justice, the General Assembly adopt the following conditions of service of the judges of the International Criminal Tribunal for the Former Yugoslavia, with effect from 17 November 1993:

(a) *Emoluments*. With regard to emoluments:

(i) The annual salary of the judges of the International Criminal Tribunal for the Former Yugoslavia shall be US$ 145,000;

(ii) The floor/ceiling measures that are applicable to the members of the International Court of Justice shall also apply to the emoluments of the judges of the International Criminal Tribunal for the Former Yugoslavia;

(iii) The President shall receive a special allowance of US$ 15,000 per annum. The Vice-President shall receive US$ 94 per day for each day acting as President, subject to a maximum of $US 9,400 per annum;

(b) *Travel costs and subsistence benefits*. Judges shall be entitled to payment of travel expenses and subsistence benefits as set forth in the draft travel and subsistence regulations for judges of the International Criminal Tribunal for the Former Yugoslavia, contained in annex III to the present report;

(c) *Pension scheme*. In respect of pensions:

(i) Judges of the International Criminal Tribunal for the Former Yugoslavia shall, upon retirement, be entitled to receive a retirement pension as set forth in the draft pension scheme regulations for judges of the Tribunal, contained in annex IV to the present report. The annual pension entitlement for a judge who serves a full four-year term shall amount to US$ 22,000; the pension entitlement of a judge who is re-elected shall be increased up to a maximum of US$ 33,000 per annum;[14]

(ii) In the event of a death of a judge or former judge, the surviving spouse of that judge shall be entitled to receive a survivor's benefit, in accordance with the provisions of the draft pension scheme regulations;

(d) *Relocation allowance*. A judge who maintains a bona fide residence at The Hague for at least three continuous years during service with the International Criminal Tribunal for the Former Yugoslavia shall receive a lump sum equal to 12 weeks' net salary on completion or termination of his or her service with the Tribunal and resettlement outside the Netherlands;

(e) *Education allowance*. With regard to the education allowance:

(i) Judges shall be reimbursed, up to a ceiling of US$ 9,750, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

(ii) Judges shall be reimbursed, up to a ceiling of US$ 13,000, for the actual costs of educating their disabled children in respect of each child each year up to the award of the first recognized degree and for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

(f) *General conditions*. The following general conditions should apply:

(i) No judge may exercise any political or administrative function, or engage in any other occupation of a professional nature, during his or her tenure in office;

(ii) The entitlements and allowances listed above shall be conditional on the residence of the judge at The Hague;

(g) *Revisions*. Whenever the conditions of service of the members of the International Court of Justice are revised by the General Assembly, where applicable the conditions established hereby for the judges of the International Criminal Tribunal for the Former Yugoslavia shall be revised accordingly.

20. Draft travel and subsistence regulations and draft pension scheme regulations for the judges of the Tribunal have been prepared and are contained in annexes III and IV to the present report. Both sets of draft regulations have been derived from the equivalent Regulations established for the members of the International Court of Justice with adaptations based on the applicable recommendations of the Advisory Committee on Administrative and Budgetary Questions.

21. The Secretary-General also urges that, on the basis of article 12, paragraph 5, of the Statute of the International Criminal Tribunal for Rwanda, which provides that the terms and conditions of service shall be those of the judges of the International Criminal Tribunal for the Former Yugoslavia, the General Assembly adopt the following conditions of service of the judges of the International Criminal Tribunal for Rwanda, with effect from 26 June 1995:

(a) *Emoluments*. With regard to emoluments:

(i) The annual salary of the judges of the International Criminal Tribunal for Rwanda shall be US$ 145,000;

(ii) The President shall receive a special allowance of US$ 15,000 per annum. The Vice-President shall receive $US 94 per day for each day acting as President, subject to a maximum of US$ 9,400 per annum;

(b) *Travel costs and subsistence benefits*. Judges of the Tribunal shall be entitled to payment of travel expenses and subsistence benefits as set forth in the draft travel and subsistence regulations of the International Criminal Tribunal for the Former Yugoslavia, contained in annex III to the present report;

(c) *Pension scheme*. In respect of pensions:

(i) Judges of the International Criminal Tribunal for Rwanda shall, upon retirement, be entitled to receive a retirement pension as set forth in the draft pension scheme regulations for judges of the Tribunal contained in annex V to the present report. The annual pension entitlement for a judge who serves a full four-year term shall amount to US$ 22,000; the pension entitlement of a judge who is re-elected shall be increased up to a maximum of US$ 33,000 a year;[15]

(ii) In the event of a death of a judge or former judge, the surviving spouse of that judge shall be entitled to receive a survivor's benefit, in accordance with the provisions of the draft pension scheme regulations;

(d) *Relocation allowance*. A judge who maintains a bona fide residence at Arusha for at least three continuous years during service with the International Criminal Tribunal for Rwanda shall receive a lump sum equal to 12 weeks' net salary on completion or termination of his or her service with the Tribunal and resettlement outside the United Republic of Tanzania.

(e) *Education allowance*. With regard to the education allowance:

(i) Judges shall be reimbursed, up to a ceiling of US$ 9,750, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the United Republic of Tanzania, to Arusha;

(ii) Judges shall be reimbursed, up to a ceiling of US$ 13,000, for the actual costs of educating their disabled children in respect of each child each year up to the award of the first recognized degree and for one related return journey per year in respect of each child from the place of scholastic attendance, when outside the United Republic of Tanzania, to Arusha;

(f) *General conditions*. The following general conditions should apply:

(i) No judge may exercise any political or administrative function, or engage in any other occupation of a professional nature, during his or her tenure in office;

(ii) The entitlements and allowances listed above shall be conditional on the residence of the judge at Arusha;

(g) *Revisions*. Whenever the conditions of service of the judges of the International Criminal Tribunal for the Former Yugoslavia are revised by the General Assembly, where applicable, the conditions established hereby for the judges of the International Criminal Tribunal for Rwanda shall be revised accordingly.

VI. Financial implications

22. Should the General Assembly approve the introduction of a pension scheme and benefits for survivors of the judges of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the financial implications are estimated at US$ 113,300 for the International Criminal Tribunal for the Former Yugoslavia for the year 1998. This amount, which includes the survivor's benefits in respect of one deceased judge (US$ 40,200) and pension entitlements of retired judges (US$ 73,100), has accordingly been included in the report of the Secretary-General on the budget of the International Criminal Tribunal for the Former Yugoslavia for 1998.[16] With respect to the judges of the International Criminal Tribunal for Rwanda, there would be no financial implications for the year 1998, since the four-year term of the judges only commenced in 1995.

Notes

[1] See *Official Records of the Security Council, Forty-eighth Year, Supplement for April, May and June 1993*, document S/25704 and Add.1.

[2] A/C.5/48/36.

[3] A/C.5/49/11.

[4] As indicated in paragraph 7 of A/C.5/49/11, the judges of the Tribunal recommended, on the other hand, a maximum of US$ 44,400 for a judge who is re-elected.

[5] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 7* (A/49/7/Add.1-14), document A/49/7/Add.12, para. 7.

[6] Ibid., para. 8.

[7] Ibid., para. 9.

[8] Ibid., para. 10.

[9] A/C.5/38/27, paras. 82 and 83.

[10] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 7* (A/49/7/Add.1-14), document A/49/7/Add.12, para. 11.

[11] A/C.5/50/18.

[12] *Official Records of the General Assembly, Fiftieth Session, Supplement No. 7A* (A/50/7/Add.1-16), document A/50/7/Add.11, para. 14.

[13] Ibid., paras. 5-15.

[14] As indicated in paragraph 7 of A/C.5/49/11, the judges of the Tribunal recommended a maximum pension of US$ 44,400 for a judge who is re-elected.

[15] The maximum entitlement should be similar to that of the judges of the International Criminal Tribunal for the Former Yugoslavia, as decided by the General Assembly.

[16] A/C.5/52/4.

Annex I

Travel and Subsistence Regulations of the International Court of Justice

By resolution 37/240 of 21 December 1982, the General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice, as set out below.

Article 1

Travel expenses

1. The United Nations shall pay, subject to the conditions of these Regulations, the travel expenses of the members of the International Court of Justice necessarily incurred on duly authorized journeys. The following shall be deemed to be duly authorized journeys;

(a) For members of the Court and one close relative residing with them to attend sessions at the seat of the Court;

(b) For members of the Court and one close relative residing with them to attend a session which is held at a place other than the seat of the Court;

(c) In the case of the President of the Court, who by virtue of Article 22 of the Statute must reside at the seat of the Court;

(i) At the time of his election to the Presidency, a journey from his home to the seat of the Court in connection with any transfer of residence;

(ii) In the calendar year following that of his election to the Presidency, a return journey from the seat of the Court to his home at the time of that election;

(iii) At the end of his term of office as President, a journey from the seat of the Court to his home at the time of his election to that office, or to any other place provided that the cost of the journey is no greater.

Where the spouse and/or dependent children of the President reside with him at the seat of the Court, the United Nations shall reimburse their travel expenses for journeys undertaken in conjunction with (i), (ii) and (iii) above.

(d) Notwithstanding the provisions of subparagraph (a) above, in the case of any member of the Court other than the President who takes up residence at the seat of the Court in compliance with Article 23 of its Statute, solely:

(i) A journey from his home, at the time of appointment, to the seat of the Court in connection with the transfer of his residence;

(ii) A return journey every second calendar year after the year of appointment from the seat of the Court to his home at the time of appointment;

(iii) A journey upon termination of appointment from the seat of the Court to his home at the time of appointment, or to any other place provided that the cost of the journey is not greater than the cost of the journey to his home at the time of appointment.

Where the spouse and/or dependent children of the member of the Court reside with him at the seat of the Court, the United Nations shall reimburse the travel expenses for journeys undertaken in conjunction with (i), (ii) and (iii) of the present subparagraph;

(iv) Any journey within the meaning of subparagraph (b) above;

(e) Journeys of any ad hoc judge chosen under Article 31 of the Statute of the Court and one close relative residing with him, in accordance with subparagraphs (a) and (b) above, when his presence is certified by the President as necessary for official business;

(f) Other journeys on official business, undertaken with the authority of the President.

2. In all cases, payment by the United Nations of travel expenses shall comprise the cost of journeys actually undertaken, subject to the following maximum entitlements:

(a) Payment of travel expenses by the United Nations shall comprise the cost of first-class accommodation and shall include expenses normally incidental to transportation, e.g., taxi-cab fares from station. The cost of transportation of baggage in excess of the weight or size carried free by transportation companies will not be allowable as an expense unless the excess is necessarily carried for official business reasons;

(b) Travel shall be by air, private car or any other means of transport authorized by the President of the Court for special reasons;

(c) All travel will be by the most direct route, provided that travel by other routes may be allowed under written authority of the President when the official necessity therefor is satisfactorily established, but in other cases the travel expenses and subsistence allowance payable shall not

exceed the amounts which would have been payable had the journey been by the most direct route.

Article 2

Subsistence allowances

1. A daily subsistence allowance shall be paid to members of the Court while in official travel status under article 1, paragraph 1, subparagraphs (b), (c) (i) and (iii), (d) (i), (iii) and (iv) and (f), of these Regulations. The allowance will be regarded as covering all charges for meals, lodging and gratuities, and other personal expenses.

2. The allowance will be payable under the conditions and at rates equivalent to the standard travel subsistence allowance rates applied to officials of the United Nations Secretariat, plus 40 per cent. provided that the President of the Court may reduce this rate in the event of the provision of board and/or lodging by a host Government. The allowance shall normally be payable in local currency.

3. Where the President of the Court or another member of the Court undertaking an official journey under article 1, paragraph 1 (c) or (d), of these Regulations is accompanied by a spouse and/or dependent children, a subsistence allowance of one half of the appropriate rate payable to the President or member concerned in respect of that journey will be payable in respect of each dependant; where these dependants are travelling unaccompanied on an authorized journey, the full rate of subsistence allowance will be payable in respect of one adult and one half of that rate in respect of each other dependant.

Article 3

Removal and installation

1. The President of the Court, who by virtue of Article 22 of its Statute shall reside at the seat of the Court, and any other member of the Court who takes up residence at the seat of the Court in compliance with Article 23 of the Statute, shall be entitled:

(a) In conjunction with article 1, paragraph 1 (c) (i) or (d) (i), of these Regulations:

(i) To full removal costs of household goods and personal effects to the seat of the Court from his home at the time of appointment (or any country other than that where the Court has its seat if less expenditure is entailed);

(ii) To an amount corresponding to the installation grant provisions applicable to senior officials of the Secretariat of the United Nations;

(b) In conjunction with article 1, paragraph 1 (c) (iii) or (d) (iii), of these Regulations:

To full removal costs of household goods and personal effects from the seat of the Court to his home at the time of appointment (or any other country where he may choose to have his residence if less expenditure is entailed).

2. The President may authorize, in the case of other members of the Court:

(a) The reimbursement of reasonable costs of partial removal of household goods and personal effects between their principal place of residence and the seat of the Court upon taking up their appointment and upon separation;

(b) An amount not exceeding one half of the installation grant provisions applicable to the senior officials of the Secretariat of the United Nations.

Article 4

Submission and payment of accounts

A detailed expense account must be rendered in support of each claim for reimbursement of travel expenses or subsistence allowance as soon as possible after completion of the travel or removal. The claims should show every item of expense, except where such expenses are to be covered by a subsistence allowance, and every advance drawn from any United Nations source, and must, as far as possible, be supported by receipts showing the service to which the payment is related. All expenses must be shown in the actual currency in which they were made and must be certified as having been necessarily and solely incurred in the discharge of the official business of the Court. No reimbursement shall be made without the written authorization of the President of the Court, countersigned by the Registrar.

Article 5

Travel and subsistence allowance of the Registrar

The travel and subsistence provisions applicable to the Registrar of the Court shall be as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

Article 6

Applicability

These Regulations shall enter into force on 1 January 1983.

Annex II

Pension Scheme Regulations for Members of the International Court of Justice

The General Assembly, in paragraph 2 of resolution 48/252 B of 26 May 1994, requested the Secretary-General to redraft the Pension Scheme Regulations for Members of the International Court of Justice reflecting the decisions taken by the General Assembly in its resolution 45/250 B of 21 December 1990, so as to reflect gender neutrality. The Regulations, as redrafted, are reproduced below.

Article 1

Retirement pension

1. A member of the International Court of Justice who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his or her life, subject to paragraph 4 below, to a retirement pension, payable monthly provided that he or she has:

(a) Completed at least three years of service;

(b) Not been required to relinquish his or her appointment under Article 18 of the Statute of the Court for reasons other than the state of his or her health.

2. The amount of the retirement pension shall be determined as follows:

(a) If the member has served a full term of nine years, the amount of the annual pension shall be $50,000;

(b) If the member has served for more than nine years, the amount of the pension shall be increased by $250 for each month of service in excess of nine years, provided that the maximum retirement pension shall not exceed $75,000;

(c) If he or she has served for less than a full term of nine years, the amount of the pension shall be that proportion of the annual pension which the number of months of his or her actual service bears to 108.

3. A member who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he or she reached that age may elect to receive a pension from any date after the date on which he or she ceases to hold office. Should he or she so elect, the amount of such pension shall be that amount which has the same actuarial value as the retirement pension which would have been paid to him or her at the age of 60.

4. No retirement pension shall be payable to a former member who has been re-elected to office until he or she again ceases to hold office. At that time, the amount of his or her pension shall be calculated in accordance with paragraph 2 above on the basis of his or her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him or her before he or she reached the age of 60.

Article 2

Disability pension

1. A member found by the Court to be unable to perform his or her duties because of permanent ill health or disability shall be entitled upon leaving office to a disability pension payable monthly.

2. The amount of the disability pension shall be equal to the amount of the retirement pension which would have been payable to the member of the Court concerned had he or she, at the time of leaving office, completed the term for which he or she had been elected, provided that it shall not be less than one half of the annual pension.

Article 3

Surviving spouse's pension

1. Upon the death of a married member, his or her surviving spouse shall be entitled to a surviving spouse's pension amounting to one half of the pension which he or she would have received had he or she become entitled to a disability pension at the time of his or her death, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

2. Upon the death of a married former member who was in receipt of a disability pension, his or her surviving spouse, provided he or she was his or her spouse at the date that his or her service ended, shall be entitled to a surviving spouse's pension amounting to one half of the pension which his or her spouse was receiving, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

3. Upon the death of a married former member who was entitled to a retirement pension, his or her surviving spouse, provided he or she was his or her spouse at the date that his

or her service ended, shall be entitled to a surviving spouse's pension calculated as follows:

(a) If the former member had not begun, at the date of his or her death, to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of the pension which would have been payable to him or her under article 1, paragraph 3, had he or she commenced to receive such pension on the date of his or her death, provided that the surviving spouse's pension shall not be less than one sixth of the annual pension;

(b) If the former member had begun to receive his or her retirement pension under article 1, paragraph 3, before he or she reached the age of 60, the surviving spouse's pension shall amount to one half of the pension, but shall not be less than one sixth of the annual pension;

(c) If the former member had reached the age of 60, when he or she began to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of his or her pension, but shall not be less than one third of the annual pension.

4. A surviving spouse's pension shall cease upon his or her remarriage.

Article 4

Child's benefit

1. Each child or legally adopted child of a member or former member who dies shall be entitled, while unmarried and under the age of 21, to a benefit calculated as follows:

(a) Where there is a surviving spouse entitled to a pension under article 3, the annual amount of the child's benefit shall be:

(i) Ten per cent of the retirement pension which the former member was receiving; or

(ii) If the former member had not begun, at the date of his or her death, to receive his or her retirement pension, 10 per cent of the pension which would have been payable to him or her under article 1, paragraph 3, had he or she commenced to receive such pension at the date of his or her death; or

(iii) In the case of the death of a member in office, 10 per cent of the pension which he or she would have received had he or she qualified for a disability pension at the date of his or her death;

provided, in all cases, that the amount of the child's benefit shall not exceed one eighteenth of the annual pension;

(b) Where there is no surviving spouse entitled to a pension under article 3, or where the surviving spouse dies, the total amount of the children's benefits payable under subparagraph (a) above shall be increased by the following amount:

(i) If there is only one eligible child, by one half of the amount of the pension which was being paid or would have been paid to the surviving spouse;

(ii) If there are two or more eligible children, by the amount of the pension which was being paid or would have been paid to the surviving spouse;

(c) The total children's benefits payable under subparagraph (b) above shall be divided equally among all of the eligible children to determine the amount of any one child's benefit; as and when a child ceases to be eligible, the total benefit payable to the remainder shall be recalculated in accordance with subparagraph (b).

2. The total amount of children's benefit, when added to the amount of any surviving spouse's benefit in payment, shall not exceed the pension which the former member or member received or would have received.

3. The age limit mentioned in paragraph 1 above shall be waived if the child is incapacitated by illness or injury, and the benefit shall continue to be paid for as long as the child remains incapacitated.

Article 5

Definitions

1. "Member" means either the President, the Vice-President or a member of the Court in office.

2. "Annual salary" means the annual salary, exclusive of any allowances, fixed by the General Assembly and received by the member at the time he or she ceased to hold office.

Article 6

Miscellaneous provisions

1. Pensions provided for by the present Regulations shall be calculated in terms of the currency in which the salary of the member concerned has been fixed by the General Assembly.

2. All pensions provided for by these Regulations shall be regarded as expenses of the Court, within the meaning of Article 33 of the Statute of the Court.

3. The President of the Court and the Secretary-General shall determine conditions for the application of article 4,

paragraph 3, and, on the advice of a qualified actuary or actuaries, establish a table of actuarial reduction factors.

Article 7

Application and effective data

1. The present Regulations shall be applicable as from 1 January 1991 to all who are members of the Court on or after that date, to their eligible beneficiaries and to recipients of pensions or benefits under articles 3 and 4 of the Regulations adopted on 19 December 1967, as subsequently amended by General Assembly resolution 38/239 of 20 December 1983.

2. Pensions in payment shall be automatically revised by the same percentage and at the same date as pension entitlements.

3. Former members of the Court who left office prior to 1 January 1968, or their eligible beneficiaries, shall continue to have their entitlements governed by the Regulations approved in General Assembly resolution 1562 (XV) of 18 December 1980, as amended by Assembly resolution 1925 (XVIII) of 11 December 1963, except that in their case the revised provisions of article 3 approved in General Assembly resolution 2367 (XXII) of 19 December 1967 and the consequential changes in article 4 shall continue to be applicable to all relevant entitlements, regardless of the date on which the said entitlements first became payable.

Annex III

Draft travel and subsistence regulations for the judges of the International Criminal Tribunal for the Former Yugoslavia and for the Judges of the International Criminal Tribunal for Rwanda

Article 1

Travel expenses

1. The United Nations shall pay, subject to the conditions of these Regulations, the travel expenses of the judges of the International Tribunal necessarily incurred on duly authorized journeys. The following shall be deemed to be duly authorized journeys by the judges:

(a) A journey from his or her home, at the time of appointment, to the seat of the Tribunal, in connection with the transfer of his or her residence;

(b) A return journey every second calendar year after the year of appointment from the seat of the Tribunal to his or her home at the time of the appointment;

(c) A journey upon termination of his or her appointment from the seat of the Tribunal to his or her home at the time of appointment, or to any other place provided that the cost of the journey is not greater than the cost of the journey to his or her home at the time of appointment.

Where the spouse and/or dependent children of the judge of the International Tribunal reside with him or her at the seat of the Tribunal, the United Nations shall reimburse the travel expenses for journeys undertaken in conjunction with (a), (b) and (c) of the present paragraph;

(d) A return journey to a place other than the seat of the Tribunal, if the Chamber of which the judge is a member exercises its functions at that place, as provided by Rule 4 of the Rules of Procedure and Evidence of the Tribunal;

(e) Other journeys on official business, undertaken with the authority of the President of the Tribunal.

2. In all cases, payment by the United Nations of travel expenses shall comprise the cost of journeys actually undertaken, subject to the following maximum entitlements:

(a) Payment of travel expenses by the United Nations shall comprise the cost of business-class accommodation and include expenses normally incidental to transportation, e.g., taxi-cab fares from station. The cost of transportation of baggage in excess of the weight or size carried free by transportation companies will not be allowable as an expense unless the excess is necessarily carried for official business reasons;

(b) Travel shall be by air, private car or any other means of transport authorized by the President of the Tribunal for special reasons;

(c) All travel will be by the most direct route, provided that travel by other routes may be allowed under written authority of the President when the official necessity therefor is satisfactorily established, but in other cases the travel expenses and subsistence allowance payable shall not exceed the amounts which would have been payable had the journey been by the most direct route.

Article 2

Subsistence allowances

1. A daily subsistence allowance shall be paid to the judges of the International Tribunal while in official travel status under article 1, paragraph 1, subparagraphs (a), (c) (d) and (e), of these Regulations. The allowance will be regarded as covering all charges for meals, lodging and gratuities, and other personal expenses.

2. The allowance will be payable under the conditions and at rates equivalent to the standard travel subsistence allowance rates applied to officials of the United Nations Secretariat, plus 40 per cent, provided that the Tribunal may reduce this rate in the event of the provision of board and/or lodging by a host Government. The allowance shall normally be payable in local currency.

3. Where the judge of the International Tribunal undertaking an official journey under article 1, paragraph 1, subparagraphs (a), (b), (c) and (d), of these Regulations is accompanied by a spouse and/or dependent children, a subsistence allowance of one half of the appropriate rate payable to the Judge concerned in respect of that journey will be payable in respect of each dependant; where these dependants are travelling unaccompanied on an authorized journey, the full rate of subsistence allowance will be payable in respect of one adult and one half of that rate in respect of each other dependant.

Article 3

Removal and installation

1. The judges of the International Tribunal who shall reside at the seat of the Tribunal and who take up residence at the seat of the Tribunal, shall be entitled:

(a) To full removal costs of household goods and personal effects to the seat of the Tribunal from his or her home at the time of appointment;

(b) To an amount corresponding to the installation grant provisions applicable to senior officials of the Secretariat of the United Nations;

(c) Upon termination of his or her appointment, to full removal costs of household goods and personal effects from the seat of the Tribunal to his or her home at the time of appointment (or any other country where he or she may choose to have his or her residence if less expenditure is entailed).

Article 4

Submission and payment of accounts

A detailed expense account must be rendered in support of each claim for reimbursement of travel expenses or subsistence allowance as soon as possible after completion of the travel or removal. The claims should show every item of expense except where such expenses are to be covered by a subsistence allowance, and every advance drawn from any United Nations source, and must, as far as possible, be supported by receipts showing the service to which the payment is related. All expenses must be shown in the actual currency in which they were made and must be certified as having been necessarily and solely incurred in the discharge of the official business of the International Tribunal. Reimbursement shall be made following certification by the appropriate official of the Tribunal and in accordance with the Financial Rules and Regulations of the United Nations.

Article 5

Entry into force

These Regulations shall enter into force on 1 January 1998.

Annex IV

Draft pension scheme regulations for the judges of the International Criminal Tribunal for the Former Yugoslavia

Article 1

Retirement pension

1. A judge of the International Criminal Tribunal for the Former Yugoslavia who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his or her life, subject to paragraph 4 below, to a retirement pension, payable monthly provided that he or she has:

(a) Completed at least three years of service;

(b) Not been required to relinquish his or her appointment for reasons other than the state of his or her health.

2. The amount of the retirement pension shall be determined as follows:

(a) If the judge has served a full term of four years, the amount of the annual pension shall be US$ 22,000;

(b) If the judge has served for more than four years, the amount of the pension shall be increased by US$ 250 for each month of service in excess of four years, provided that the maximum retirement pension shall not exceed US$ 33,000;

(c) If he or she has served for less than a full term of four years, the amount of the pension shall be that proportion of the annual pension which the number of months of his or her actual service bears to 48.

3. A judge who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he or she reached that age may elect to receive a pension from any date after the date on which he or she ceases to hold office. Should he or she so elect, the amount of such pension shall be that amount which has the same actuarial value as the retirement pension which would have been paid to him or her at the age of 60.

4. No retirement pension shall be payable to a former judge who has been re-elected to office until he or she again ceases to hold office. At that time, the amount of his or her pension shall be calculated in accordance with paragraph 2 above on the basis of his or her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him or her before he or she reached the age of 60.

Article 2

Disability pension

1. A judge found by the International Tribunal to be unable to perform his or her duties because of permanent ill health or disability shall be entitled upon leaving office to a disability pension payable monthly.

2. The amount of the disability pension shall be equal to the amount of the retirement pension which would have been payable to the judge concerned had he or she, at the time of leaving office, completed the term for which he or she had been elected, provided that it shall not be less than one half of the annual pension.

Article 3

Surviving spouse's pension

1. Upon the death of a married judge, his or her surviving spouse shall be entitled to a surviving spouse's pension amounting to one half of the pension which he or she would have received had he or she become entitled to a disability pension at the time of his or her death, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

2. Upon the death of a married former judge who was in receipt of a disability pension, his or her surviving spouse, provided he or she was his or her spouse at the date that his or her service ended, shall be entitled to a surviving spouse's pension amounting to one half of the pension which his or her spouse was receiving, provided that the surviving spouse's pension shall not be less than three eighths of the annual pension.

3. Upon the death of a married former judge who was entitled to a retirement pension, his or her surviving spouse, provided he or she was his or her spouse at the date his or her service ended, shall be entitled to a surviving spouse's pension calculated as follows:

(a) If the former judge had not begun, at the date of his or her death, to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of the pension which would have been payable to him or her under article 1, paragraph 3, had he or she commenced to receive such pension on the date of his or her death, provided that

the surviving spouse's pension shall not be less than three eighths of the annual pension;

(b) If the former judge had begun to receive his or her retirement pension, under article 1, paragraph 3, before he or she reached the age of 60, the surviving spouse's pension shall amount to one half of the pension, but shall not be less than three eighths of the annual pension;

(c) If the former judge had reached the age of 60, when he or she began to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of his or her pension, but shall not be less than three eighths of the annual pension.

4. A surviving spouse's pension shall cease upon his or her remarriage.

Article 4

Child's benefit

1. Each child or legally adopted child of a judge or former judge who dies shall be entitled, while unmarried and under the age of 21, to a benefit calculated as follows:

(a) Where there is a surviving spouse entitled to a pension under article 3, the annual amount of the child's benefit shall be:

(i) Ten per cent of the retirement pension which the former judge was receiving; or

(ii) If the former judge had not begun, at the date of his or her death, to receive his or her retirement pension, 10 per cent of the pension which would have been payable to him or her under article 1, paragraph 3, had he or she commenced to receive such pension at the date of his or her death;

(iii) In the case of the death of a judge in office, 10 per cent of the pension which he or she would have received had he or she qualified for a disability pension at the date of his or her death;

provided, in all cases, that the amount of the child's benefit shall not exceed one eighteenth of the annual pension;

(b) Where there is no surviving spouse entitled to a pension under article 3, or where the surviving spouse dies, the total amount of the children's benefits payable under subparagraph (a) above shall be increased by the following amount:

(i) If there is only one eligible child, by one half of the amount of the pension which was being paid or would have been paid to the surviving spouse;

(ii) If there are two or more eligible children, by the amount of the pension which was being paid or would have been paid to the surviving spouse;

(c) The total children's benefits payable under subparagraph (b) above shall be divided equally among all of the eligible children to determine the amount of any one child's benefit; as and when a child ceases to be eligible, the total benefit payable to the remainder shall be recalculated in accordance with subparagraph (b).

2. The total amount of children's benefit, when added to the amount of any surviving spouse's benefit in payment, shall not exceed the pension which the former judge or judge received or would have received.

3. The age limit mentioned in paragraph 1 above shall be waived if the child is incapacitated by illness or injury, and the benefit shall continue to be paid for as long as the child remains incapacitated.

Article 5

Definitions

1. "Judge" means all judges of the International Criminal Tribunal for the Former Yugoslavia in office, within the meaning of article 12 of the Statute of the Tribunal.

2. "Annual salary" means the annual salary, exclusive of any allowances, fixed by the General Assembly and received by the judge at the time he or she ceased to hold office.

Article 6

Miscellaneous provisions

1. Pensions provided for by the present Regulations shall be calculated in terms of the currency in which the salary of the judge concerned has been fixed by the General Assembly.

2. All pensions provided for by these Regulations shall be regarded as expenses of the International Tribunal, within the meaning of article 32 of the Statute of the Tribunal.

3. The President of the International Tribunal and the Secretary-General shall determine conditions for the application of article 4, paragraph 3, and, on the advice of a qualified actuary or actuaries, establish a table of actuarial reduction factors.

Article 7

Application and effective date

1. The present Regulations shall be applicable as from 17 November 1993 to all who are judges of the International Criminal Tribunal for the Former Yugoslavia on or after that date and to their eligible beneficiaries.

2. Pensions in payment shall be automatically revised by the same percentage and at the same date as pension entitlements.

Annex V

Draft pension scheme regulations for the judges of the International Criminal Tribunal for Rwanda

Article 1

Retirement pension

1. A judge of the International Criminal Tribunal for Rwanda who has ceased to hold office and who has reached the age of 60 shall be entitled during the remainder of his or her life, subject to paragraph 4 below, to a retirement pension, payable monthly provided that he or she has:

(a) Completed at least three years of service;

(b) Not been required to relinquish his or her appointment for reasons other than the state of his or her health.

2. The amount of the retirement pension shall be determined as follows:

(a) If the judge has served a full term of four years, the amount of the annual pension shall be US$ 22,000;

(b) If the judge has served for more than four years, the amount of the pension shall be increased by US$ 250 for each month of service in excess of four years, provided that the maximum retirement pension shall not exceed US$ 33,000;

(c) If he or she has served for less than a full term of four years, the amount of the pension shall be that proportion of the annual pension which the number of months of his or her actual service bears to 48.

3. A judge who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he or she reached that age may elect to receive a pension from any date after the date on which he or she ceases to hold office. Should he or she so elect, the amount of such pension shall be that amount which has the same actuarial value as the retirement pension which would have been paid to him or her at the age of 60.

4. No retirement pension shall be payable to a former judge who has been re-elected to office until he or she again ceases to hold office. At that time, the amount of his or her pension shall be calculated in accordance with paragraph 2 above on the basis of his or her total period of service and shall be subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him or her before he or she reached the age of 60.

Article 2

Disability pension

1. A judge found by the International Criminal Tribunal to be able to perform his or her duties because of permanent ill health or disability shall be entitled upon leaving office to a disability pension payable monthly.

2. The amount of the disability pension shall be equal to the amount of the amount of the retirement pension which would have been payable to the judge concerned had he or she, at the time of leaving office, completed the term for which he or she had been elected, provided that it shall not be less than one half of the annual pension.

Article 3

Surviving spouse's pension

1. Upon the death of a married judge, his or her surviving spouse shall be entitled to a surviving spouse's pension amounting to one half of the pension which he or she would have received had he or she become entitled to a disability pension at the time of his or her death, provided that the surviving spouse's pension shall not be less than one third of the annual pension.

2. Upon the death of a married former judge who was in receipt of a disability pension, his or her surviving spouse, provided he or she was his or her spouse at the date his or her service ended, shall be entitled to a surviving spouse's pension amounting to one half of the pension which his or her spouse was receiving, provided that the surviving spouse's pension shall not be less than three eighths of the annual pension.

3. Upon the death of a married former judge who was entitled to a retirement pension, his or her surviving spouse, provided he or she was his or her spouse at the date his or her service ended, shall be entitled to a surviving spouse's pension calculated as follows:

(a) If the former judge had not begun, at the date of his or her death, to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of the pension which would have been payable to him or her under article 1, paragraph 3, had he or she commenced to receive such pension on the date of his or her death, provided that

the surviving spouse's pension shall not be less than three eighths of the annual pension;

(b) If the former judge had begun to receive his or her retirement pension, under article 1, paragraph 3, before he or she reached the age of 60, the surviving spouse's pension shall amount to one half of the pension, but shall not be less than three eighths of the annual pension;

(c) If the former judge had reached the age of 60, when he or she began to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of his or her pension, but shall not be less than three eighths of the annual pension.

4. A surviving spouse's pension shall cease upon his or her remarriage.

Article 4

Child's benefit

1. Each child or legally adopted child of a judge or former judge who dies shall be entitled, while unmarried and under the age of 21, to a benefit calculated as follows:

(a) Where there is a surviving spouse entitled to a pension under article 3, the annual amount of the child's benefit shall be:

(i) Ten per cent of the retirement pension which the former judge was receiving; or

(ii) If the former judge had not begun, at the date of his or her death, to receive his or her retirement pension, 10 per cent of the pension which would have been payable to him or her under article 1, paragraph 3, had he or she commenced to receive such pension at the date of his or her death; or

(iii) In the case of the death of a judge in office, 10 per cent of the pension which he or she would have received had he or she qualified for a disability pension at the date of his or her death;

provided, in all cases, that the amount of the child's benefit shall not exceed one eighteenth of the annual pension;

(b) Where there is no surviving spouse entitled to a pension under article 3, or where the surviving spouse dies, the total amount of the children's benefits payable under subparagraph (a) above shall be increased by the following amount:

(i) If there is only one eligible child, by one half of the amount of the pension which was being paid or would have been paid to the surviving spouse;

(ii) If there are two or more eligible children, by the amount of the pension which was being paid or would have been paid to the surviving spouse;

(c) The total children's benefits payable under subparagraph (b) above shall be divided equally among all of the eligible children to determine the amount of any one child's benefit; as and when a child ceases to be eligible, the total benefit payable to the remainder shall be recalculated in accordance with subparagraph (b).

2. The total amount of children's benefit, when added to the amount of any surviving spouse's benefit in payment, shall not exceed the pension which the former judge or judge received or would have received.

3. The age limit mentioned in paragraph 1 above shall be waived if the child is incapacitated by illness or injury, and the benefit shall continue to be paid for as long as the child remains incapacitated.

Article 5

Definitions

1. "Judge" means all judges of the International Criminal Tribunal for Rwanda in office, within the meaning of article 11 of the Statute of the Tribunal.

2. "Annual salary" means the annual salary, exclusive of any allowances, fixed by the General Assembly and received by the judge at the time he or she ceased to hold office.

Article 6

Miscellaneous provisions

1. Pensions provided for by the present Regulations shall be calculated in terms of the currency in which the salary of the judge concerned has been fixed by the General Assembly.

2. All pensions provided for by these Regulations shall be regarded as expenses of the International Tribunal, within the meaning of article 30 of the Statute of the Tribunal.

3. The President of the International Tribunal and the Secretary-General shall determine conditions for the application of article 4, paragraph 3, and, on the advice of a qualified actuary or actuaries, establish a table of actuarial reduction factors.

Article 7

Application and effective date

1. The present Regulations shall be applicable as from 26 June 1995 to all who are judges of the International Criminal Tribunal for Rwanda on or after that date and to their eligible beneficiaries.

2. Pensions in payment shall be automatically revised by the same percentage and at the same date as pension entitlements.